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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 CHRISTOPHER BALLARD,
12 Petitioner,
13 v.
14 STU SHERMAN, Warden,
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16 Respondent.

Case No. CV 13-7508 DOC(JC)
ORDER ACCEPTING FINDINGS,
CONCLUSIONS, AND
RECOMMENDATIONS OF
UNITED STATES MAGISTRATE
JUDGE

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18 Pursuant to 28 U.S.C. § 636, the Court has reviewed the operative First
19 Amended Petition for Writ of Habeas Corpus by a Person in State Custody
20 (“Petition”), the Motion to Dismiss the First Amended Petition (“Motion”) and all
21 of the records herein, including the attached Report and Recommendation of
22 United States Magistrate Judge (“Report and Recommendation”), and petitioner’s
23 objections to the Report and Recommendation (“Objections”). The Court has
24 further made a *de novo* determination of those portions of the Report and
25 Recommendation to which objection is made. Petitioner correctly notes that the
26 caption of the Report and Recommendation names a respondent who has since
27 been substituted out and replaced by Stu Sherman, petitioner’s current custodian.
28 Aside from such error in the caption, the Court concurs with and accepts the

1 findings, conclusions, and recommendations of the United States Magistrate Judge
2 and overrules the Objections.

3 IT IS ORDERED that the Motion is granted to the extent it seeks dismissal
4 of the Petition on its merits, the Petition is denied, and this action is dismissed with
5 prejudice

6 IT IS FURTHER ORDERED that the Clerk serve copies of this Order, the
7 Report and Recommendation, and the Judgment herein on petitioner and counsel
8 for respondent.

9 LET JUDGMENT BE ENTERED ACCORDINGLY.

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11 DATED: November 30, 2015

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14 HONORABLE DAVID O. CARTER
15 UNITED STATES DISTRICT JUDGE
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